

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 181 of 1984

Date of decision: 12-8-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CHOTA BUCH

Versus

CHEIF CONSERVATOR OF FOREST

Appearance:

MR PM RAVAL for Petitioners
Nigam Shukla for Respondent No. 1, 4
Non present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/08/96

ORAL JUDGEMENT

The petitioners who are working as forest guards in Dhari Division of Gujarat Forest Services have filed this writ petition with the prayer that the respondents

be directed to consider their case for promotion to the post of Foresters. Before approaching this court the petitioners filed representation to the Range Forest Officer on 14th March, 1983. The Range Forest Officer replied to their representation under letter dated 8-4-1983. In the reply it has been stated that the petitioners were not granted permission to see the Conservator of Forest. It was also stated that each Forest Guard should make separate application and if thought fit the same would be forwarded. It has next been stated that the explanation of the petitioners should be asked by return of post as to why they have sent directly copies of the application to the higher officers.

2. It is not the case of the respondents or higher officers to whom representation has been sent that the same has been decided. I fail to appreciate the attitude of the Range Forest Officer in dealing with the grievance of the petitioners who are low paid employees. This court in such matters insists on the petitioners to first approach the higher officers in the Department for redressal of their grievance in relation to service matters and only when the grievances are not being redressed or the concerned higher officers sit over the matter for quite long time that they may approach this court. But here is a case where the low paid employees had approached the Range Forest Officer, but he has gone so heavily upon them leaving them with no option except to approach this court. In case the petitioners made application to the higher authorities making their grievance in the matter of promotion I fail to see how it could be said to be unjustified. Insistence of the Range Forest Officer on the petitioners to file separate representation is also uncalled for and undesirable. The question of grievance has to be considered and not the form in which it is made. The representation submitted by the petitioners in the matter of their promotion, where the Range Forest Officer was not competent to decide the same, should have been forwarded by him to the higher authorities. Be that as it may.

3. Mr. Nigam Shukla, learned counsel appearing for the respondents, has stated that the petitioners may make representation embodying therein all their grievances to the Chief Conservator of Forests and he will consider the same. He further states that in case the petitioners' grievance is found to be justified then the same will be redressed and all consequential benefits flowing therefrom will be given to the petitioners within reasonable time as may be granted by this court. Learned

counsel for the petitioner has also agreed to the aforesaid statement made on behalf of the respondents, and he has no objection if the special civil application is disposed of in the aforesaid terms.

4. In the result this special civil application is disposed of with the direction that the petitioners shall make fresh representation or further representation regarding their grievance made in this petition to respondents No.1 and 2 within a period of two months from today. Respondent No. 1 and 2 are directed to consider the representation made or to be made by the petitioners within a period of next three months. In case the grievance of the petitioners is accepted, then necessary orders of promotion may be made within a period of one month from the date of decision and the arrears of pay fixation etc., shall be paid to the petitioners within next one month. In case the grievance of the petitioners is not accepted, then the concerned respondent shall pass reasoned order and copy thereof shall be sent to each of the petitioners by registered post. Subject to the aforesaid directions rule discharged. No order as to costs.

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